

PERSONAL DATA PROTECTION

PURPOSE AND LEGAL BASIS FOR THE PROCESSING OF DATA IN THE CONTEXT OF A QUALIFYING HOLDING PROCEDURE

An assessment of the suitability of any new owner prior to the purchase or disposal of a significant stake in a credit institution is an indispensable tool for ensuring the continuous suitability and financial soundness of new credit institution's owners.

Council Regulation (EU) No 1024/2013 of 15 October 2013 (**SSM Regulation**)¹ confers specific tasks on the European Central Bank (**ECB**) concerning policies relating to the prudential supervision of credit institutions on the basis of Article 127(6) of the Treaty on the Functioning of the European Union (**TFEU**).

For prudential supervisory purposes, the ECB is entrusted with the tasks in relation to the credit institutions established in the participating Member States referred to in Article 4, within the framework of Article 6, of the SSM Regulation.

According to Article 4(1)(c) of the SSM Regulation and Article 15 of the SSM Regulation, the ECB shall assess the notifications of the **acquisition and disposal of qualifying holdings** in credit institutions (except in the case of a bank resolution) and shall decide whether to oppose the acquisition on the basis of the assessment criteria set out in the relevant Union law. According to Article 23(1)(a)(b) of **CRD IV**², the reputation of the proposed acquirer and the reputation, knowledge, skills and experience of any member of senior management who will direct the business of the credit institution as a result of the proposed acquisition shall be assessed. Article 85 of the **SSM Framework Regulation**³ establishes the rules on cooperation between the national competent authorities (**NCA**s) and the ECB with regard to the qualifying holdings procedure.

DISCLOSURE OF PERSONAL DATA

All the required personal data is needed to carry out the reputation assessment of the proposed acquirer of a qualifying holding in the financial institution and the fit and proper assessment of each member of the management structure and senior management, who will manage operations of target credit institution after the acquisition of a qualifying holding. If data are not provided, an application regarding your intention to acquire a qualifying holding in a credit institution shall be regarded as incomplete and the ECB opposes the proposed acquisition of a qualifying holding on the grounds that the information provided by the proposed acquirer is incomplete (Article 23(2) CRD IV).

RECIPIENTS OR GROUPS OR RECIPIENTS OF PERSONAL DATA

In the qualifying holdings procedure the personal data may be disclosed, on a need-to-know basis, to the NCA's staff, the Joint Supervisory Teams' staff, the Joint Supervisory Teams' staff (ECB Directorate General – Micro-Prudential Supervision I or II), the ECB Directorate General – Micro-Prudential Supervision III staff, ECB Micro-Prudential Supervision IV staff, (Authorisation Division), the Secretariat of the ECB Supervisory Board and the members of the Supervisory Board and of the Governing Council of the ECB.

APPLICABLE RETENTION PERIOD

The ECB is to store personal data regarding fit and proper applications or notifications for a period of fifteen years; from the date of application or notification if withdrawn before a formal decision is reached; from the date of a negative decision or from the date the data subjects cease to be shareholders having a qualifying holding, or cease to be members of the management bodies of the supervised entity in the case of a positive ECB decision. In case of initiated administrative or judicial proceedings, the retention period shall be extended and end one year after these proceedings are sanctioned by a decision having acquired the authority of a final decision.

APPLICABLE DATA PROTECTION FRAMEWORK AND DATA CONTROLLER

Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data⁴ is applicable to the processing of personal data by the ECB. For the purposes of Regulation (EC) No 45/2001, the ECB shall be the Data Controller.

RIGHTS OF DATA SUBJECT

The data subject of the processing of personal data by the ECB for the mentioned prudential supervisory purpose has access rights to and the right to rectify the data concerning him or herself according to Article 9 of the ECB Decision of 17 April 2007 adopting implementing rules concerning data protection at the ECB (ECB/2007/1)⁵.

CONTACT DETAILS

In case of queries or complaints regarding this data processing operation, you can contact the Data Controller (e-mail: Authorisation@ecb.europa.eu) and/or the National Competent Authority (e-mail: fktk@fktk.lv).

Equally, you also have the right to have recourse at any time to the European Data Protection Supervisor. The data subjects also have the right to recourse at any time to the European Data Protection Supervisor (<https://secure.edps.europa.eu/EDPSWEB/edps/lang/en/EDPS>).

PRIVACY STATEMENT

I, the undersigned natural person, hereby agree to the collecting and processing of my personal data, including sensitive personal data, by the Financial and Capital Market Commission within the limits of its jurisdiction. I also grant my consent to submitting my personal data to the European Central Bank for the performance of their functions, as well as agree that the European Central Bank transmits my personal data to the Financial and Capital Market Commission.

Name, surname

Signature

Address, place

⁴ Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions, OJ L 175, 14.6.2014.

² Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC, OJ L 176, 27.6.2013.

³ Regulation (EU) No 468/2014 of the European Central Bank of 16 April 2014 establishing the framework for cooperation within the Single Supervisory Mechanism between the European Central Bank and national competent authorities and with national designated authorities, OJ L 141, 14.5.2014.

⁴ OJ L 8, 12.1.2001.

⁵ OJ L116, 4.5.2007.